

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 21739 of 2015 (N)

PETITIONER(S):

**M. MADHU, S/O.MADHAVAN,
AGED 46 YEARS, APSARA HOUSE, ASHRAM ROAD,
KALADY P.O., ERNAKULAM DISTRICT- 683 574.**

**BY ADVS.SRI.SHIJU VARGHEESE,
SRI.PRAMOJ ABRAHAM.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD, ERNAKULAM, PIN: 682 021.**
- 2. ASSISTANT EXECUTIVE ENGINEER,
PWD ROADS SUB DIVISION, ALUVA P.O.,
ALUVA, ERNAKULAM, PIN: 683 101.**
- 3. ASSISTANT ENGINEER,
PWD ROADS SUB DIVISION, ANGAMALY,
ANGAMALY P.O., ERNAKULAM DISTRICT, PIN: 683 572.**

BY GOVT. PLEADER SRI.MANOJ KUNJACHAN.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: TRUE COPY OF THE PATTA BEARING NO.PF 3/1978 DATED 24/05/1978.
- P2: TRUE COPY OF THE TAX RECEIPT DATED 28/11/1979.
- P3: TRUE COPY OF THE LOCATION SKETCH OF THE PROPERTY
DATED 02/05/2014.
- P4: TRUE COPY OF THE POSSESSION CERTIFICATE DATED 30/04/2014.
- P5: TRUE COPY OF THE TITLE DEED NO.1610/2014 DATED 15/05/2014.
- P6: TRUE COPY OF THE TAX RECEIPT DATED 20/06/2014.
- P7: TRUE COPY OF THE POSSESSION CERTIFICATE BEARING NO.8400463
DATED 04/10/2014.
- P8: TRUE COPY OF THE NOTICE SENT BY THE PETITIONER DATED 10/06/2015.
- P9: TRUE COPY OF THE ACKNOWLEDGEMENT CARD DATED 19/06/2015.
- P10: TRUE COPY OF THE NOTICE SENT BY THE PETITIONER TO THE
3RD RESPONDENT DATED 10/06/2015.
- P11: TRUE COPY OF THE ACKNOWLEDGEMENT CARD.
- P12: TRUE COPY OF THE NOTICE BEARING NO.GL/14-15 DATED 13/07/2015
WITH SKETCH APPENDED.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.21739 of 2015

Dated this the 8th day of October, 2015

JUDGMENT

The petitioner, aggrieved by Ext.P12 notice issued by the Assistant Executive Engineer, Public Works Department, has approached this Court. Ext.P12 notice is issued invoking the power under the Kerala Land Conservancy Act (for short, the “Act”). The petitioner’s case is that the Assistant Executive Engineer has no power and the petitioner is ordered to be evicted without conducting proper determination of the land belongs to the petitioner.

2. Learned Government Pleader points out to G.O.(P) No.590/85/RD conferring the power upon the officers like the Assistant Executive Engineer under the Act.

3. This Court is of the view, the Assistant Executive Engineer has necessary power under the Act in the light of delegation of such power based on the above Government Order.

4. However, it is to be noted that Ext.P12 is only a notice. The petitioner shall raise objection before the Assistant Executive

Engineer. It shall be done within three weeks from the date of receipt of a copy of this judgment. If the identification of the property is necessary, it shall be determined after issuing notice to the petitioner, if required, with the assistance of the Taluk Surveyor. The entire exercise shall be completed within a further period of three months. Further action in this matter can be only after taking final decision by the Assistant Executive Engineer in the light of the above.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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